

INCOMING TELEGRAM

Department of State

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Action

Control: 18526
Reo'd: MAY 28, 1959
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EUR Info FROM: BERLIN

SS G TO: Secretary of State
SP C NO: 1004, MAY 28, 2 PM

L IO INR H P UOP E IRC OCB USIA CIA OSD ARMY NAVY AIR RMR
SENT DEPARTMENT 1004, BONN 893, GENEVA 38, REPEATED INFORMATION LONDON 198, PARIS 241, MOSCOW 302, POLAD USAREUR UNNUMBERED

GENEVA FOR HILLENBRAND

PARIS FOR EMBASSY, USRO, CINCEUR THURSTON & WEST

ON MAY 27 MAYOR BRANDT GAVE MISSION OFFICER FOLLOWING WRITTEN COMMENTS ON WESTERN BERLIN PROPOSALS. HE EMPHASIZED THESE PRELIMINARY AND INFORMAL.

BEGIN TEXT

1. IT IS VITAL THAT FIRST STEP, WHICH RELATES TO BERLIN, OF WESTERN PEACE PACKAGE NOT RPT NOT BE SEPARATED FROM FURTHER STEPS OF THE PLAN. CONNECTION WITH SOLUTION OF GERMAN QUESTION MUST BE MAINTAINED; ESTABLISHMENT OF A THIRD STATE ON GERMAN TERRITORY MUST NOT RPT NOT BE AIM OF WESTERN POLICY.

2. SHOULD A SOLUTION OF BERLIN QUESTION BE ARRIVED AT ALONG LINES SECRETARY HERTER'S MAY 26 PROPOSAL IT MUST BE CLEARLY ESTABLISHED THAT ORGANS RESPONSIBLE FOR ALL-BERLIN MUST HAVE POWER TO MAKE DECISIONS ON QUESTION OF BBERLIN'S ADHERENCE TO WEST GERMAN LEGAL, CURRENCY, AND ECONOMIC AREA. UNTIL THESE ORGANS ARE ESTABLISHED THERE MUST BE NO CHANGES CONCERNING WEST BERLIN'S ADHERENCE (ZUGEHOERIGKEIT) TO FEDREP AND AREA OF DM WEST.

3. IN WEST BERLIN IT WAS~~SS~~ LEARNED WITH CONCERN THAT AT GEN~~EE~~ FRENCH FOREIGN MINISTER HAS PROPOUNDED THESIS THAT WEST BERLIN DOES NOT BELONG LEGALLY TO FEDREP. WE MUST ASK THAT EXISTING GERMAN CONSTITUTIONAL FACTS (MISSION COMMENT: I.E. ARTICLE

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23 OF BASIC LAW RE APPLICATION FEDREP CONSTITUTION IN BERLIN AND OTHER CONSTITUTIONAL PROVISIONS) BE GIVEN CONSIDERATION AS WELL AS WELL KNOWN LEGAL SITUATION WITH RESPECT OCCUPATION RIGHTS. OTHERWISE DANGER WOULD EXIST THAT SOVIET AND EAST GERMAN SIDE DERIVE BENEFITS FROM THESE INTERPRETATIONS OF BERLIN STATUS.

4. AS FAR AS QUESTION OF BERLIN COMMUNICATIONS IS CONCERNED, DISCUSSION OF WHICH MUST BE ANTICIPATED, WE HOPE THAT NECESSARY ATTENTION WILL BE PAID TO MATTER OF INTRA-GERMAN CIVIL COMMUNICATIONS AND THAT ALL POSSIBLE EFFORTS WILL BE MADE TO ARRIVE AT ADDITIONAL SAFEGUARDS IN THIS FIELD. IN THIS CONNECTION IT MUST BE REMEMBERED THAT PARTICULAR DIFFICULTIES RE TRAVEL WERE IMPOSED IN 1952, I.E. THOSE CONCERNING TRAVEL OF WEST BERLIN RESIDENTS TO SOVIET-OCCUPIED ZONE.

5. UNDER EXISTING CIRCUMSTANCES A FURTHER LIMITATION ON STRENGTH OF ALLIED TROOPS IN BERLIN SHOULD NOT BE CONSIDERED.

6. IN FIELD OF PROPAGANDA AND SUBVERSIVE ACTIVITY IT URGENTLY RECOMMENDED THAT WESTERN POWERS ASSUME COUNTER OFFENSIVE AND CLEARLY IDENTIFY EAST BERLIN AS WHAT IT IS, I.E. ONE OF STRONGEST CENTERS OF COMMUNIST UNDERGROUND ACTIVITY. CARE MUST BE TAKEN NOT TO CONCLUDE AGREEMENTS WHICH WOULD ENABLE SOVIETS INTERFERE IN INTERNAL AFFAIRS OF WEST BERLIN AND IMPAIR CONSTITUTIONALLY GUARANTEED RIGHTS.

7. AS FAR AS WESTERN CONSENT TO HOLDING A SUMMIT CONFERENCE IS CONCERNED, A SO-CALLED STANDBY AGREEMENT WOULD BE NOT RPT NOT ONLY INSUFFICIENT BUT DOWNRIGHT DANGEROUS. IT SHOULD BE INSISTED THAT ALLIED RIGHTS IN WEST BERLIN BE CONFIRMED BY SOVIET UNION IN ORDER TO AVOID THAT NEGOTIATIONS AT POSSIBLE SUMMIT MEETING TAKE PLACE UNDER PRESSURE OF BERLIN THREAT.

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8. THESE POINTS REFLECT OPINION OF BERLIN SENAT AND OF
CHAIRMEN BOTH PARTIES REPRESENTED IN BERLIN HOUSE OF DEPUTIES.

END TEST

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